

CITY COUNCIL AGENDA

JANUARY 30, 2007

SYNOPSIS

PETE CONSTANT
FORREST WILLIAMS
SAM LICCARDO
VACANT
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

CHUCK REED, MAYOR

VACANT
MADISON P. NGUYEN
DAVID D CORTESE, VICE MAYOR
JUDY CHIRCO
NANCY PYLE

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Reed will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

Agendas and Staff Reports for City Council items may be viewed on the Internet at www.sanjoseca.gov/clerk/agenda.asp. Council Meetings are televised live and rebroadcast on Channel 26.

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1260 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**
9:31 a.m. - Closed Session, Call to Order in Council Chambers
Absent Council Members: None; Vacant Districts 4 and 6.

1:31 p.m. - Regular Session, Council Chambers, City Hall
Absent Council Members: None; Vacant Districts 4 and 6.
- **Invocation (District 1)**
Jin Kim, Korean Baptist Church.
- **Pledge of Allegiance**
Mayor Reed led the Pledge of Allegiance.
- **Orders of the Day**
The Orders of the Day and the Amended Agenda were approved.
- **Closed Session Report**
City Attorney Doyle disclosed the following Closed Session action(s) of January 30, 2007:
 - A. Authority to Enter Litigation Case As Amicus Curiae:**

Case Name: **Spielbauer, et al v. County of Santa Clara, et al.**

Adverse party or parties: Plaintiffs

Substance of litigation: Mr. Spielbauer challenged the County's disciplinary action against him claiming one of the charges against him was not a valid charge.

(Item continued on the next page.)

- **Closed Session Report (Cont'd.)**

Council Vote: Ayes: Campos, Chirco, Constant, Cortese, Liccardo, Nguyen, Pyle, Williams; Reed.

Noes: None.

Disqualified: None.

Absent: None.

Vacant: Districts 4 and 6.

1. CEREMONIAL ITEMS

- 1.1** Presentation of update and next steps for the Citywide Employee Recognition Program and employee Values Project. (City Manager's Office/Human Resources)

Staff presented an overview and slide presentation on the Citywide Employee Recognition Program and Employee Values Project.

- 1.2** Presentation of a commendation recognizing the "stars" of the Combined Giving Campaign for their outstanding contribution to the program. (City Manager's Office/General Services)

Deferred to 2/6/07 by the Rules and Open Government Committee.

- 1.3** Presentation of a commendation recognizing the achievements of the Traffic Signal Maintenance and Projects Staff for completing the Traffic Signal LED retrofit project. (Transportation)

Mayor Reed recognized and commended the Traffic Signal Maintenance and Projects Staff for their achievements.

A representative of PG&E presented the City of San José a check for \$309,000.00 for outstanding efficient energy conservation.

- 1.4** Presentation of a proclamation recognizing February as "American Heart Month" and February 2, 2007 as "National Wear Red Day" to create awareness of the signs and treatments of heart disease and stroke in the City of San José. (Campos)
(Rules Committee referral 01/17/07)

Mayor Reed and Council Members Campos, Pyle, Nguyen and Chirco, recognized February as "American Heart Month", and February 2, 2007 as "National Wear Red Day" and presented a commendation to Linda Gold and Meghan Kinoshita of the American Red Cross.

- 1.5** Presentation of a commendation from Breathe California to the City Council for investing in tobacco control issues and being one of the top 10 healthiest cities in America. (Cortese)

(Rules Committee referral 01/17/07)

Deferred to 2/6/07 by the Rules and Open Government Committee.

(Item continued on next page.)

1. CEREMONIAL ITEMS

- 1.6 Presentation of a commendation to Captain Richard L. Fairhurst, San José Police Department Western Division, for his 30 years of service to the residents of San José. (Constant/Liccardo/Nguyen)
(Rules Committee referral 01/17/07)
Mayor Reed and Council Members Constant, Liccardo and Nguyen recognized and commended Captain Richard L. Fairhurst for his dedicated service to the City of San José residents.
- 1.7 Presentation of a business appreciation commendation to Endwave Corporation in recognition of its headquarters corporate presence and operations in San José, the Capital of Silicon Valley. (Mayor)
(Rules Committee referral 01/17/07)
Mayor Reed and Office of Economic Development Assistant Director Kim Walesh recognized Endwave Corporation for maintaining its presence in San José.
- 1.8 Presentation of a proclamation for Holocaust Remembrance Week in San José in memory of the victims of the Holocaust and their families and communities. (Williams)
(Rules Committee referral 1/24/07)
Mayor Reed and Council Member Williams presented a proclamation for Holocaust Remembrance Week.

2. CONSENT CALENDAR

2.1 Approval of Minutes.

Recommendation: Approval of minutes:

- (a) Regular minutes of May 2, 2006
 - (b) Regular minutes of May 9, 2006
 - (c) Regular minutes of May 16, 2006
 - (d) Minutes of Joint Council/San José Financing Authority of May 16, 2006
 - (e) Regular minutes of May 23, 2006
- (Deferred from 1/23/07 – Item 2.1)

Deferred to 2/6/07, as recommended by City Clerk.

2.2 Final adoption of ordinances.

There were none.

2. CONSENT CALENDAR

2.3 Approval to amend an agreement for Air Cargo Services at the Airport.

Recommendation: Approval of:

- (a) A second amendment to the Commercial Air Cargo Operating Agreement with Air Transport International, LLC, to extend the term of the agreement through June 30, 2007, with continuing estimated annual revenue to the City in the amount of \$151,000.
- (b) A second amendment to the Lease Agreement with Air Transport International, LLC, to extend the term of the agreement through February 28, 2012, with continuing estimated annual revenue to the City in the amount of \$4,900.00.

CEQA: Resolution No. 67380 and 71451, PP06-211. (Airport)

Approved.

2.4 Approval to amend an agreement for legal services related to airline lease negotiations.

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute a First Amendment to the Agreement with Anderson & Kreiger LLP for legal services related to airline lease negotiations at the Norman Y. Mineta San José International Airport, increasing compensation by \$80,000 for a total amount not to exceed \$180,000. CEQA: Not a Project. (City Attorney's Office)

Resolution No. 73622 adopted.

2.5 Approval of the City Auditor travel calendar.

Recommendation: Approval of the City Auditor's travel calendar through June 30, 2007 at no cost to the City. (City Auditor)
(Rules Committee referral 01/17/07)

Approved.

2.6 Adoption of a resolution increasing Delinquent Charges for Delinquent Lobbyist Reports.

Recommendation: As recommended by the Elections Commission, adoption of a resolution amending the Schedule of Fees and Charges to increase the fee for delinquent lobbyist reports from \$10.00/day to \$25.00/day. (City Clerk/City Attorney's Office)
(Rules Committee referral 01/17/07)

Deferred to 2/6/07 by the Rules and Open Government Committee.

2.7 Approval of an appointment to the Police and Fire Retirement Board.

Recommendation: Appoint Scott P. Johnson, Director of Finance, as the Administration Representative to the Police and Fire Retirement Board for a four year term. CEQA: Not a Project. (City Manager's Office)

Approved.

2. CONSENT CALENDAR

2.8 Approval of actions related to the Calabazas BMX Park Project.

Recommendation: Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Gift Trust Fund:

- (a) Establish an appropriation to the Department of Parks, Recreation and Neighborhood Services for the Calabazas BMX Park Project in the amount of \$9,500.
- (b) Increase the estimate for Earned Revenue by \$9,500.

CEQA: Exempt, File No. PP06-152. Council District 1. (City Manager's Office)

Ordinance No. 27968 adopted.

Resolution No. 73623 adopted.

2.9 Approval of fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of the following Appropriation Ordinance and Funding Sources Resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund):

- (a) Increase the estimate for Earned Revenue by \$638,727.
- (b) Establish an appropriation to the Department of Transportation for the Winchester Neighborhood ADA Ramp Installation Project (PSM #455, Amendment 1) in the amount of \$125,000.
- (c) Establish an appropriation to the Public Works for the Greater Gardner Street Reconstruction Project (PSM #346, Amendment 7) in the amount of \$513,727.

CEQA: Exempt, File Nos. PP05-212 and PP04-07-215. Council Districts 1, 3 and 6. SNI: Greater Gardner and Winchester. (City Manager's Office)

Ordinance No. 27969 adopted.

Resolution No. 73624 adopted.

2.10 Approval of actions related to Reuse and Recycling Agreements.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute the Reuse and Recycling Agreements with the following non-profit organizations, for a one-year period beginning July 1, 2006 and ending June 30, 2007:

- (a) Goodwill Industries of Santa Clara County in an amount not to exceed \$362,848.
- (b) The Salvation Army in an amount not to exceed \$128,244.
- (c) Hope Services in an amount not to exceed \$6,312.

CEQA: Not a Project. (Environmental Services)

Resolution No. 73625 adopted.

2. CONSENT CALENDAR

2.11 Approval to award open purchase order #15 for FY 2006-2007.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment and services for FY 2006-2007 #15 and authorization for the Director of Finance to execute the purchase orders. CEQA: See Administration's Memorandum to Council for specific CEQA clearance determinations on each recommended action. (Finance)

Approved.

2.12 Approval to continue an agreement for the Fire Department's pre-employment background investigation services.

Recommendation: Approval of a continuation agreement with DR Associates International for consultant services for pre-employment background investigation services, continuing and extending the term of agreement from January 1, 2007 to June 30, 2007, and increasing the maximum compensation to an amount not to exceed \$247,000. CEQA: Not a Project. (Fire)

Approved.

2.13 Approval of an agreement for Relocation Benefit Payments to former tenants of Casa Feliz.

Recommendation: Adoption of a resolution authorizing the Director of Housing to execute an agreement with John Stewart Company for the period of January 1, 2007 through December 31, 2011 at an amount not to exceed \$300,000 for relocation benefit payments to former tenants of Casa Feliz and \$28,500 for administration of the relocation benefit payments. CEQA: Not a Project. Council District 3. SNI: University. (Housing)

Resolution No. 73626 adopted.

2.14 Approval of the Master Plan for the new Cinnabar Commons Park.

Recommendation: Approval of the master plan for the new Cinnabar Commons Park. CEQA: Resolution No. 71174 and Addenda Thereto, File No. PP06-203. Council District 6. (Parks, Recreation and Neighborhood Services)

Approved.

2.15 Approval to accept a donation and purchase Canine Vests for the Police Departments Canine Unit.

Recommendation:

- (a) Adoption of a resolution accepting an \$18,883 donation from the Happy Hollow Park & Zoo Vest-a-Dog Program to purchase ballistic canine vests for the San José Police Department Canine Unit; and

Resolution No. 73627 adopted.

(Item continued on the next page.)

2. CONSENT CALENDAR

2.15 (Cont'd.)

(b) Adoption of the following Appropriation Ordinance and Funding Sources Resolution Amendments in the Gift Trust Fund:

(1) Increase the appropriation to the Police Department for the Canine Unit by \$18,883.

(2) Increase the estimate for Earned Revenue by \$18,883.

CEQA: Not a Project. (Police/City Manager's Office)

Ordinance No. 27970 adopted.

Resolution No. 73628 adopted.

2.16 Approval of actions to accommodate the Taylor Street Improvement Project.

Recommendation: Approval of an ordinance designating the additional right-of-way of a 28-foot wide strip on the south side and a 18-foot wide strip on the north side of Taylor Street between Anita Street and Walnut Street, which are City-owned properties, to accommodate the Taylor Street Improvement Project. CEQA: Exempt, PP06-038. Council District 3. (Public Works)

Ordinance No. 27971 passed for publication.

2.17 Approval of donation agreements for the conveyance of public sidewalk easements.

Recommendation: Adoption of a resolution approving donation agreements with Micrel, Incorporated, Rose Ventures II, Inc., Northern California Universal Enterprise Co and Fortune-Lundy Associates LLC for conveyance of public sidewalk easements and authorizing the Director of Public Works to execute any additional documents necessary to complete the transactions. CEQA: Exempt, File No. PP05-200. Council District 4. (Public Works)

Resolution No. 73629 adopted.

2.18 Approval of a lease agreement for the Police Domestic Violence Unit.

Recommendation: Approval of a five-year lease with Westlake Development Company, Inc. for 4,913 rentable square feet of office space for the Police Domestic Violence Unit, at 125 Gish Road in San José, at a cost of \$5,404.30 per month the first year, \$5,649.95 per month the second year, \$5,895.60 per month the third year, \$6,141.25 per month the fourth year and \$6,386.90 per month during the final year. CEQA: Not a Project. (Public Works)

Approved.

2. CONSENT CALENDAR

2.19 Approval of an agreement for consultant services for the Almaden Community Center & Branch Library Project.

Recommendation: Approval of a continuation agreement with Field Paoli Architects for architectural consultant services for the Almaden Community Center & Branch Library Project continuing the term retroactive for the period of July 1, 2006 through June 30, 2007, modifying the scope of services, and increasing the total compensation to be paid to the consultant by \$49,255 from \$1,955,900 to an amount not to exceed \$2,005,155.

CEQA: Mitigated Negative Declaration, PP02-10-309. Council District 10. (Public Works/Library/Parks, Recreation and Neighborhood Services)

Approved.

3. STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Reed, Chair

Recommendation: Approval of minutes.

- (a) Council Study Session on Telecommunications Policy Priorities and AT&T's Project Lightspeed minutes of May 11, 2006
- (b) 2006-2007 Proposed Operating Budget Study Sessions minutes of May 8, 2006 – May 19, 2006

(Deferred from 1/23/07 – Item 3.1)

Deferred to 2/6/07, as recommended by City Clerk

3.2 Report of the Rules and Open Government Committee – January 17, 2007 Mayor Reed, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council

- (1) Review January 30, 2007 Draft City Council Agenda

- (a) Add New Items to Draft Agenda

- (b) Set Time/s Certain for Key Agenda Items, as necessary

- (2) Add New Items to January 23, 2007 Agenda

- (3) List of Reports Outstanding

- (c) Legislative Update

- (1) State

- (a) Approval of City-Sponsored Legislation-Customer Facility Charges (Rental Car)

HEARD BY COUNCIL ON 1/23/07

- (2) Federal

- (d) Meeting Schedules

- (1) Approve (3) three Council Orientation Sessions:

(Item continued on next page.)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – January 17, 2007 (Cont'd.) Mayor Reed, Chair

- (a) January 16, 2007, 1:00 p.m. – 3:00 p.m.
- (b) January 19, 2007, 9:00 a.m. – 12:00 p.m.
- (c) January 26, 2007, 9:00 a.m. – 4:00 p.m.
- (2) Approve a Study Session on the Evergreen *East Hills Vision Strategy on February 1, 2007. (Planning, Building and Code Enforcement)
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
 - (1) Oral Presentation and Discussion of the Council Agenda Preparation and Distribution Process. (City Clerk)
 - (2) Review of Council Policy No. 9-5 (Mayor and Council Travel). (City Clerk)
 - (3) Approve travel by Council Member Nora Campos to attend the League of CA Cities – Transportation, Communication & Public Works Policy Committee on January 12, 2007. (Campos)
 - (4) Approve travel by Council Member Campos to attend the League of CA Cities – Board of Directors Meeting on February 9-10, 2007. (Campos)
 - (5) Approve travel by Council Member Campos to attend the National League of Cities Congressional City Conference on March 10-14, 2007. (Campos)
 - (6) Approve travel by Council Member Campos to attend League of CA Cities Infrastructure Task Force on January 25, 2007. (Campos)
- (h) Review of Significant Public Records Act Requests
- (i) Review of Council Policy Updates per Sunshine Reforms
- (j) Open Forum
- (k) Adjournment

Deferred to 2/6/07 as recommended by Mayor.

3.2 Report of the Rules and Open Government Committee – January 10, 2007 Mayor Reed, Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
 - (1) Review January 23, 2007 Draft City Council Agenda
 - (a) Adds to the January 23, 2007 Draft City Council Agenda
The Committee approved the January 23, 2007 City Council Agenda with six (6) additions.
 - (2) Add New Items to January 16, 2007 Agenda
NONE – MEETING CANCELLED
 - (3) List of Reports Outstanding
There were none.

(Item continued on the next page.)

3. STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules and Open Government Committee – January 10, 2007 (Cont'd.) Mayor Reed, Chair

- (c) Legislative Update
 - (1) State
 - (2) Federal**None.**
- (d) Meeting Schedules. Attachment: Memorandum from Director of Environmental Services John Stufflebean, dated December 16, 2006, recommending approval to schedule a Joint Study Session.
 - (1) Approve City Council-Santa Clara Valley Water District Board Joint Study Session on Watershed Issues. (Environmental Services)
The Committee approved the recommended Joint study Session.
- (e) The Public Record. Attachment: Memorandum from City Clerk Lee Price, dated January 4, 2006, transmitting items for Public Record and Administration for the period of December 8- January 4, 2007.
The Committee noted and filed the Public Record.
- (f) Appointments to Boards, Commissions and Committees
There were none.
- (g) Rules committee Reviews, Recommendations and Approvals
Mayor Reed asked staff to place a presentation of the Council Agenda process on the January 17, 2007 Rules Agenda.
- (h) Review of Significant Public Records Act Requests
City Attorney Doyle provided an update.
- (i) Review of Council Policy Updates per Sunshine Reforms
Mayor Reed asked staff to place a review of the Mayor and Council Travel Policy on the January 17, 2007 Rules Agenda.
- (j) Open Forum
No Public comment.
- (k) Adjournment
(Deferred from 1/23/07 – Item 3.2)
The meeting was adjourned at approximately 2:52 p.m.

3.3 Report of the Public Safety, Finance and Strategic Support Committee Council Member Nguyen, Chair No report.

3.4 Acceptance of report related to Bond Programs.

(Heard at 3:00p.m.)

Recommendation:

- (a) Acceptance of the report on cost projections, current cost management strategies and policy options related to the completion of the Safe Neighborhood Parks and Recreation, Neighborhood Libraries, and Public Safety bond programs; and

Report Accepted.

- (b) Adoption of a resolution approving strategies to mitigate the risk of future cost escalation by:
 - (1) Reducing project scopes only to the extent that core functionality, serviceability, and operating costs can be maintained;
 - (2) Placing completion of the Bond programs as a priority over new projects when seeking external federal and state grant funding;
 - (3) Directing the City Manager and the Redevelopment Agency Executive Director to examine the use of reserves, Construction and Conveyance Tax and Redevelopment funds to supplement funding for Bond program projects where eligible;
 - (4) Requiring that the funding needs for the successful completion of the bond programs be considered prior to funding new capital projects in the City's Capital Budget.

CEQA: Not a Project. (City Manager's Office)

(Deferred from 12/5/06 – Item 3.10 and 1/23/07 – Item 3.4)

HEARD NO EARLIER THAN 3:00 P.M.

HEARD CONCURRENTLY WITH ITEM 9.1

Deferred to the Budget process.

3.5 Approval of actions related to the Procurement Reforms.

Recommendation:

- (a) Acceptance of the report on the implementation of approved Procurement Reforms.
- (b) Adoption of a resolution approving Council Policy titled "Procurement and Contract Process Integrity and Conflicts of Interest".
- (c) Approval of an ordinance of the City of San José amending Chapters 4.04, 4.12, and repealing Chapters 4.06 and 4.13 of Title 4 of the San José Municipal Code to increase administrative contract authority for purchase of supplies, materials, equipment and services to \$1,000,000, to enact a protest procedure for purchases, and to amend, reorganize and consolidate various purchasing procedures.

CEQA: Not a Project. (Finance/City Attorney's Office)

(Deferred from 11/21/06 – Item 3.4 and 12/5/06 – Item 3.7)

Deferred to 2/6/07 as recommended by Administration.

3. STRATEGIC SUPPORT SERVICES

3.6 Accept the 2007 Legislative Guidelines and Priorities.

Recommendation: As recommended by the Rules Committee on January 24, 2007, accept the 2007 Legislative Guidelines and Priorities as outlined in the memo previously submitted to and approved by the Rules & Open Government Committee. (City Clerk) (Rules Committee referral 1/24/07)

2007 Legislative Guidelines and Priorities accepted, as amended. Staff directed to: (1) add to the priorities joint advocacy with Oakland and San Francisco to ensure State allocation of Prop 1C and Prop 84 funds; (2) review the pros and cons of AB 29 (which if passed, would require Prop 1C funds be distributed to local councils of governments); and (3) maintain as a high priority the Pacheco Pass preferred route of the High Speed Rail Line.

4. COMMUNITY & ECONOMIC DEVELOPMENT

4.1 Report of the Community & Economic Development Committee Council Member Pyle, Chair

No report.

4.2 Approval of actions related to the Evergreen East Hills Vision Strategy.

Recommendation: Approval of the following actions to continue funding for the completion of the Evergreen*East Hills Vision Strategy, Evergreen Area Development Policy update, and related documents:

- (a) Approval of a continuation to the funding agreement with Yerba Buena Opco, Inc. to extend the funding agreement from January 1, 2007 through June 30, 2007 for the work associated with completing the Evergreen*East Hills Vision Strategy which encompasses an update to the Evergreen Area Development Policy and related documents; and
- (b) Adoption of a resolution delegating approval of minor amendments to the funding agreement to the Director of Planning, Building and Code Enforcement to account for increases in funding received from Yerba Buena Opco, Inc. and minor schedule or task changes that remain consistent with the information contained in and the goals identified in the memorandum.

CEQA: Exempt, PP03-10-349. Council Districts 5, 7, and 8. SNI: West Evergreen, K.O.N.A and East Valley/680. (Planning, Building and Code Enforcement).

Deferred to 2/6/07, as recommended by Administration.

5. NEIGHBORHOOD SERVICES

5.1 Report of the Neighborhood Services and Education Committee Council Member Chirco, Chair

No report.

6. TRANSPORTATION & AVIATION SERVICES

- 6.1 Report of the Transportation and Environment Committee**
Council Member Williams, Chair
No report.

7. ENVIRONMENTAL & UTILITY SERVICES

- 7.1 Approval of an agreement for Neighborhood Clean Up Services.**

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with GreenWaste Recovery, Inc. for Neighborhood Clean Up services in Districts A and C for an eighteen month term from July 1, 2007, through December 31, 2008, at a cost not to exceed \$550,000, subject to annual appropriation of funds. CEQA: Negative Declaration, File No. PP06-119. (Environmental Services)

Resolution No. 73630 adopted.

8. PUBLIC SAFETY SERVICES

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

CONVENE REDEVELOPMENT AGENCY BOARD TO CONSIDER ITEM 9.1 IN A JOINT SESSION

- 9.1 Acceptance of actions related to Bond Programs.**

Recommendation:

- (a) Acceptance of the report on cost projections, current cost management strategies and policy options related to the completion of the Safe Neighborhood Parks and Recreation, Neighborhood Libraries, and Public Safety bond programs; and
- (b) Adoption of a resolution approving strategies to mitigate the risk of future cost escalation by:
 - (1) Reducing project scopes only to the extent that core functionality, serviceability, and operating costs can be maintained;
 - (2) Placing completion of the Bond programs as a priority over new projects when seeking external federal and state grant funding;
 - (3) Directing the City Manager and the Redevelopment Agency Executive Director to examine the use of reserves, Construction and Conveyance Tax and Redevelopment funds to supplement funding for Bond program projects where eligible;

(Item continued on the next page.)

9. JOINT COUNCIL/REDEVELOPMENT AGENCY

9.1 (Cont'd.)

- (4) Requiring that the funding needs for the successful completion of the bond programs be considered prior to funding new capital projects in the City's Capital Budget.

CEQA: Not a Project. (City Manager's Office)

(Deferred from 12/5/06 – Item 3.10 and 1/23/07 – Item 3.4)

HEARD NO EARLIER THAN 3:00 P.M.

HEARD CONCURRENTLY WITH ITEM 3.4 (See action on page 11).

• Notice of City Engineer's Pending Decision on Final Maps

In accordance with Sec. 19.16.140d of the San José Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/ Units</u>	<u>Type</u>	<u>Proposed Decision</u>
9850	Southside of Rock Ave. 1033 feet west of Oakland Road	4	Taylor Woodrow Homes, Inc.	34 Lots / 34 Units	SFD	Approve

• Notice of City Engineer's Award of Construction Projects

None.

• Open Forum

- (1) **Robert Apgar voiced personal viewpoints.**
(2) **Mark Trout voiced personal religious opinions.**

• Adjournment

The Council of the City of San José adjourned at 4:16 p.m.

8. JOINT REDEVELOPMENT AGENCY ITEM

8.1 Approval of a Lease Agreement with the Friends of Guadalupe River Park and Gardens for the building at 438 Coleman Avenue and related actions.

Recommendations:

- (a) Redevelopment Agency Board approval of a Lease Agreement with the Friends of Guadalupe River Park and Gardens for the building located at 438 Coleman Avenue.

Approved.

- (b) Adoption of resolutions by the City Council and Redevelopment Agency Board approving the transfer of ownership of 438 Coleman Avenue from the Agency to the City of San Jose; and,
- (c) Adoption of resolutions by the City Council and Redevelopment Agency Board authorizing the city Manager and Executive Director to execute all documents necessary to effect the lease and land transfer.

CEQA: Not a project. **[JULIAN STOCKTON]**

Resolution No. 73631 adopted.

Redevelopment Agency Board Resolution 5732 adopted.

The Joint Redevelopment Agency Board was adjourned at 4:28 p.m.